



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

**Intergovernmental, Recreation and Cultural
Affairs Committee**

Tuesday, April 11, 2006
9:30 AM
Commission Chamber

Charles Anderson, CPA
Commission Auditor

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Miami, Florida 33128
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**Miami-Dade County Board of County Commissioners
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Legislative Analysis

**Intergovernmental, Recreational and Cultural Affairs Committee
Meeting Agenda**

Tuesday, April 11, 2006

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Number(s)

2K	2L
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Additional information for the below listed item(s) is attached for your consideration in this Legislative Analysis.

2A	2C
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If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:
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LEGISLATIVE ANALYSIS

RESOLUTION GRANTING A LIMITED CONFLICT OF INTEREST FOR CERTAIN STATE CONTRACT LOBBYIST

Commissioner Sally A. Heyman

I. SUMMARY

This resolution request the Board to grant a limited conflict of interest waiver to Becker & Poliakoff, P.A., Ronald L. Book, P.A., and Gomez Barker & Associates, Inc. to allow these lobbying firms to represent both the County and their telecommunications clients only on issues not in conflict with the County.

II. PRESENT SITUATION

To this date, the Board has approved the following legislation regarding lobbyists representing the County and instances where there may be a conflict of interest:

- Ordinance No. 72-82
- Resolution 1236-99
- Ordinance No. 00-64
- Resolution No. 63-03

The above-mentioned legislation along with the individual agreements between the County and the lobbyist allow the Board the discretion to take any action regarding waiver request that include: (1) granting the waiver to represent both the County and the other party; (2) refuse to grant the waiver and require the lobbyist to choose between the County or other party; (3) refuse to grant the waiver and void its contract with the lobbyist; and **(4) grant a limited waiver and allow the lobbyist to represent both the County and other party under whatever restriction set forth by the County deemed appropriate.**

III. POLICY CHANGE AND IMPLICATION

This resolution is requesting the Board to grant a limited waiver specifically to Becker & Poliakoff, P.A., Ronald L. Book, P.A., and Gomez Barker & Associates, Inc. to allow these lobbying firms to represent both the County and their telecommunications clients only on issues not in conflict with the County, to strictly prohibit these lobbying firms from working on behalf of their other client against the County on HB 1199 or similar legislation.

House Bill 1199 has been filed for the 2006 State Legislative Session. HB 1199, creates a statewide franchise vested with the Department of State; existing agreements would be unaffected until they expire, except under certain conditions. Franchises must be granted to applicants within 15 days. There is no build-out requirement, and local authorities cease to enforce customer service regulations. Institutional networks cease to be

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supported that would preempt local regulation of cable franchises and provide for state regulation.

IV. ECONOMIC IMPACT

This resolution creates no fiscal impact.

V. COMMENTS AND QUESTIONS

Commissioner Jordan has a sponsored item which urges the State of Florida to defeat any bills that would preempt local regulation and franchising of cable providers and establish statewide cable regulation.

The Florida Association of Counties is lobbying against HB 1199 and any other efforts to diminish or eliminate local cable franchise authority.

Please see attached news article reflecting Broward County Commissioners discretion to refuse a waive conflict of interest rules for a longtime Tallahassee lobbyist.



Broward curbs lobbyist a bit: Broward County commissioners won't allow their longtime Tallahassee lobbyist to lobby them while the Legislature is in session

Erika Bolstad, The Miami Herald
The Miami Herald (Florida)
March 15, 2006



Mar. 15--Broward County commissioners refused on Tuesday to waive conflict-of-interest rules for their longtime Tallahassee lobbyist, Ron Book.

Book -- whose extensive client roster has made him one of the most sought-after lobbyists in the capital -- represents a developer who wants to build a massive condominium, hotel and shopping development at Gulfstream Park racetrack in Hallandale Beach.

The developer needs a land-use change, but county rules bar Book from lobbying them during the legislative session, which began March 7.

Lobbyists on the county payroll often represent private clients in front of the County Commission. That has created an ethical quandary, and the perception that commissioners are more likely to be friendly to the clients of lobbyists who are paid to work for the county in Tallahassee.

The conflicts of interest grew so troublesome about five years ago that the commissioners began prohibiting their lobbyists from representing private clients in front of the County Commission while the Legislature is in session.

That safeguard was established after the commissioners discovered that several lobbyists who worked for the county also were working for cities that opposed Broward County's interests on annexation issues.

A proposed postponement of the land-use change for the Village at Gulfstream Park until after the Legislative session didn't fly with Commissioner Suzanne Gunzburger, who represents the district. She said many residents near the project are snowbirds, who will have left town by April 25, when the session is expected to end.

"I don't think this is the year we want to lose Ron Book," said Commissioner Kristin Jacobs. "It puts us in a really difficult position. We don't want to lose one of the best lobbyists in town."

Book, who is paid \$50,000 to lobby on behalf of Broward County during the two-month legislative session, said he may consider representing the county at no charge, so that he can exit his contract and still represent the Gulfstream project in front of the commission.

Book said it would be unethical for him to abandon a client he was representing in ongoing negotiations. At the same time, Broward County is just as important, Book said.

"I would not choose to walk away from the county," he said. "I value my relationship with the county."

By declining to vote on Book's request for a waiver, county commissioners effectively denied it. Commissioners said they didn't want to go on record as opposing the powerful lobbyist.

Miami Herald staff writer Diana Moskowitz contributed to this report.

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LEGISLATIVE ANALYSIS

RESOLUTION CALLING A COUNTYWIDE SPECIAL ELECTION IN CONJUNCTION WITH A COUNTYWIDE ELECTION IN MIAMI DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, _____ FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS APPROVE THE FORM OF INITIATIVE PETITIONS, RATHER THAN THE BOARD OF COUNTY COMMISSIONERS

Senator Javier D. Souto

I. SUMMARY

This resolution is seeking to propose a ballot question to the voters to determine if they wish to maintain that the Board of County Commissioner approve the form of citizens initiative petitions or provide for the Clerk of the Board to approve these types of petitions.

II. PRESENT SITUATION

The Miami-Dade County charter currently provides the power to approve proposed ballot language (as to form) to the Board of County Commissioners. Please read below the following Charter Counties and how they handle citizen's initiative petitions¹:

Broward: The Supervisor of Election determines the validity of initiative petitions.

Palm Beach: Board of County Commissioners determines the validity.

Hillsborough: Does not specify. It does not say who approves as to form. It does not appear to be an approval as to form.

Duval: Does not specify. It does not say who approves as to form. It does not appear to be an approval as to form.

Orange: The Supervisor of Elections determines the validity of initiative petitions.

Pinellas: The Supervisor of Elections determines the validity of initiative petitions.

III. POLICY CHANGE AND IMPLICATION

The Clerk of the Board would be approving the citizen's initiative petition, as to form, rather than the Board of County Commissioners. The act of approval, as to form, is a ministerial task.

IV. ECONOMIC IMPACT

None.

¹ Miami-Dade Department of Elections assisted in the gathering of the information.

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V. COMMENTS AND QUESTIONS

The majority of Counties in Florida have the Supervisor of Elections (an elected official) approve these types of petitions.

Miami-Dade County does not have an elected Supervisor of Elections, but rather a Director of Elections who is appointed by the County Manager.

ADDITIONAL INFORMATION

<u>Item#</u>	<u>Subject Matter</u>	<u>Comments/Questions</u>
2(A)	RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION IMPOSING THE A THREE FOOT CLEARANCE REQUIREMENT RELATED TO MOTORIST SAFELY PASSING BICYCLIST	<p>Currently, the State of Florida contains no provision that specifically relates to motorist passing bicyclists.</p> <p>The Florida Driver's Handbook recommends that a motorist passing a bicyclist maintain a clearance of 3 feet.</p> <p>U.S. States like Arizona, Utah, Minnesota and Wisconsin have enacted laws requiring a 3 feet measure of safety between vehicles and bicyclists.</p> <p>In California, Assemblyman Pedro Nava has introduced a bill (AB 1941, February 1, 2006)) that would require the 3 feet measure of safety for motorist to maintain when passing bicyclists.</p>
2C	RESOLUTION URGING THE FLORIDA LEGISLATION TO ENACT HB 1363 – COMMUNITY WORKFORCE HOUSING INNOVATION PROGRAM	<p>House Bill 1363:</p> <p>Creates the Community Workforce Housing Innovative Program (CWHIP) for the purpose of providing regulatory incentives and state and local funds to promote local public/private partnerships to provide affordable rental and homeownership opportunities for essential service personnel, in high-cost and high-growth counties, to persons with medium incomes.</p> <p>Authorizes the Florida Housing Finance Corporation to provide CWHIP loans and grants for construction or rehabilitation of rental or home ownership workforce housing in target areas.</p> <p>◆ CWHIP shall supplement and not supplant existing affordable housing programs funded under 420, F.S. relating to housing.</p> <p>Proposed benefits for approved applicants include expedited approval of development orders and development permits; reduction of impact fees by 50%, waiver of impact fees, or alternative method of fee payment; increased density up to 16 units per acre or higher, except in coastal high hazard areas; reserved infrastructure capacity in the local comprehensive plan, allowance of additional housing units in residential zoning districts; reduction of open space and set back requirements; allowance of zero-lot-line configurations; reduction of traffic concurrency requirements by up to 25%; and priority eligibility for local transportation infrastructure funding by MPO.</p> <p><i>House Staff Analysis, h1363c.LGC.doc, 3/29/06</i></p>